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SENATE BILL 469

**48TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2007**

INTRODUCED BY

Michael S. Sanchez

AN ACT

RELATING TO MUNICIPALITIES; LIMITING THE POWER OF EMINENT  
DOMAIN.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

Section 1. Section 3-18-10 NMSA 1978 (being Laws 1973,  
Chapter 395, Section 1) is amended to read:

"3-18-10. POWER OF EMINENT DOMAIN--PURPOSES--  
PROCEEDINGS.--

A. ~~[Both within the municipal boundary and for a  
distance not extending beyond the planning and platting  
jurisdiction of]~~ Within the municipal boundary, a municipality  
has the power and right of condemnation of private property for  
public use for the purpose of:

(1) laying out, opening and widening streets,  
alleys and highways or their approaches; or

.164601.1

underscored material = new  
[bracketed material] = delete

underscored material = new  
[bracketed material] = delete

- 1 (2) constructing, maintaining and operating:  
2 (a) storm drains; or  
3 (b) garbage and refuse disposal areas  
4 and plants.

5 B. A municipality may acquire by eminent domain any  
6 property within the municipality for park purposes.

7 C. A municipality may acquire by eminent domain any  
8 property within the municipality to establish cemeteries or  
9 mausoleums [~~or both or combinations thereof~~] and may also  
10 acquire by eminent domain any existing cemeteries or mausoleums  
11 [~~or both or combinations thereof~~].

12 D. Proceedings to obtain such condemnation shall be  
13 in the manner provided by law."